

Application No.: 09/843,638
Amendment Dated: April 12, 2004
Reply to Office Action of: January 12, 2004

REMARKS

Upon entry of the above amendment, claims 1-9, 13-30, and 34-45 will be pending and claims 1-9, 13-19, 24, 25, 27, 28, 34, 36-42, 44 and 45 will be under current consideration. By this amendment, claims 10-12 and 31-33 have been cancelled, and claims 1, 13, 34, and 42 have been amended. No new matter has been added by the amendment. Support for the amendment may be found at, e.g., Figures 7 and 8.

Reconsideration of the merits of the claimed invention in light of the amendment above and the remarks that follow is respectfully requested.

Claims 1-19, 24, 25, 27, 28, 31-34, 36-42, 44 and 45 have been rejected under 35 USC 102(b) or 103(a) as allegedly being anticipated by or obvious over Romkee (US 5,603,730) or Kristiansen (US 5,242,431). Applicants respectfully traverse the rejection to the extent they may be maintained.

Romkee

Romkee does not teach or suggest the presently claimed invention. The presently claimed invention recites either

the therapy grip element comprising a first portion and a second portion, wherein in the open position the grip element comprises a discontinuous inner surface and the first portion is separated from the second portion by a first distance, and wherein in the closed position the first portion is separated from the second portion by a second distance less than the first distance and the inner surface is configured to grippingly engage the therapy delivery element (claims 1 and 13)

or

separating a first portion of a therapy grip element from a second portion of a therapy grip element to form a discontinuous inner surface of the therapy grip element by

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actuating two extension elements to open the therapy grip element (34 and 42).

Romkee does not teach or suggest such elements. Romkee teaches a suture sleeve for an implantable lead. Unlike the presently claimed invention, the sleeve of Romkee has a continuous inner surface in open position. There is no suggestion in Romkee that would motivate one of skill in the art to arrive at the presently claimed invention.

Kristiansen

For the reasons similar to those stated above for Romkee, Kristiansen does not teach or suggest the presently claimed invention. Additional reasons as to why Kristiansen does not teach or suggest the presently claimed invention follow.

The presently claimed invention recites either

at least two extension elements connected to the therapy grip element, the extension element extending substantially perpendicular from the therapy delivery element, and the extension elements being configured to actuate the therapy grip element (claims 1 and 13)

or "actuating two extension elements to open the therapy grip element" (claims 34 and 42).

Kristiansen does not teach or suggest such elements. Kristiansen teaches a suture sleeve assembly with a slidable compression collar. The tabs (54, 56) of Kristiansen are not configured to actuate therapy grip element (inner surface 32 of tubular body 14 as described by Kristiansen), but rather the collar (50) serves this function. Further, there is only one collar disclosed in Kristiansen. Thus, Kristiansen does not teach the claimed invention. Further, one would not be motivated by the teachings of Kristiansen to arrive at the presently claimed invention.


In light of the remarks and amendment above, withdrawal of the rejection is respectfully requested. Further Applicants assert that the application is now in condition for allowance, and notice to that effect is respectfully solicited.

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The Examiner is invited to contact the undersigned to facilitate prosecution of the present application.

Respectfully submitted,

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